Case 19-10663-TPA Doc 26 Filed 07/28/19 Entered 07/29/19 00:40:52 Desc Imaged Certificate of Notice Page 1 of 8 Fill in this information to identify your case Debtor 1 **Jacob Daniel Boston** First Name Middle Name Last Name Debtor 2 **Nichole Marie Boston** (Spouse, if filing) First Name Middle Name Last Name United States Bankruptcy Court for the: WESTERN DISTRICT OF Check if this is an amended plan, and **PENNSYLVANIA** list below the sections of the plan that Case number: 19-10663 have been changed. (If known) Western District of Pennsylvania Chapter 13 Plan Dated: July 24, 2019 Part 1: Notices To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable. The terms of this plan control unless otherwise ordered by the court. In the following notice to creditors, you must check each box that applies **To Creditors:** YOUR RIGHTS MAY BE AFFECTED BY THIS PLAN. YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. IF YOU OPPOSE THIS PLAN'S TREATMENT OF YOUR CLAIM OR ANY PROVISION OF THIS PLAN, YOU OR YOUR ATTORNEY MUST FILE AN OBJECTION TO CONFIRMATION AT LEAST SEVEN (7) DAYS BEFORE THE DATE SET FOR THE CONFIRMATION HEARING, UNLESS OTHERWISE ORDERED BY THE COURT. THE COURT MAY CONFIRM THIS PLAN WITHOUT FURTHER NOTICE IF NO OBJECTION TO CONFIRMATION IS FILED. SEE BANKRUPTCY RULE 3015. IN ADDITION, YOU MAY NEED TO FILE A TIMELY PROOF OF CLAIM TO BE PAID UNDER ANY PLAN. The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If the "Included" box is unchecked or both boxes are checked on each line, the provision will be ineffective if set out later in the plan. 1.1 A limit on the amount of any claim or arrearages set out in Part 3, which may result Included ✓ Not Included in a partial payment or no payment to the secured creditor (a separate action will be required to effectuate 1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, ☐ Included ✓ Not Included set out in Section 3.4 (a separate action will be required to effectuate such limit) 1.3 Nonstandard provisions, set out in Part 9 Included **✓** Not Included Part 2: Plan Payments and Length of Plan 2.1 Debtor(s) will make regular payments to the trustee: Total amount of \$1550 per month for a remaining plan term of 36 months shall be paid to the trustee from future earnings as follows: By Automated Bank Transfer Payments: By Income Attachment Directly by Debtor D#1 1550 \$ \$ \$ \$ D#2

2.2 Additional payments.

Unpaid Filing Fees. The balance of \$_____ shall be fully paid by the Trustee to the Clerk of the Bankruptcy court form the first

(Income attachments must be used by Debtors having attachable income)

(SSA direct deposit recipients only)

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Debtor Jacob Daniel Boston Case number 19-10663
Nichole Marie Boston

available funds.

Check one.

- None. If "None" is checked, the rest of § 2.2 need not be completed or reproduced.
- 2.3 The total amount to be paid into the plan (plan base) shall be computed by the trustee based on the total amount of plan payments plus any additional sources of plan funding described above.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any, on Long-Term Continuing Debts.

Check one.

None. If "None" is checked, the rest of Section 3.1 need not be completed or reproduced.

The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed by the secured claims are not provided by the applicable rules.

required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed by the trustee. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, without interest. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Start date (MM/YYYY)
BB & T	2013 Dodge Durango SXT 141,000 miles	\$308.75	\$937.08	06/2019
	14 Beckett Park Warren, PA 16365 Warren County Residence			
Quicken Loans	Fair Market Value based on Comparable Sales	\$701.99	\$719.00	06/2019
Wells Fargo Dealer Services	2012 Audi A4 86,000 miles	\$294.00	\$0.00	06/2019

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of Section 3.3 need not be completed or reproduced.

3.4 Lien avoidance.

1

Check one.

None. If "None" is checked, the rest of \S 3.4 need not be completed or reproduced. The remainder of this section will be effective only if the applicable box in Part 1 of this plan is checked

3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

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Debtor	Jacob Daniel Boston Nichole Marie Boston	Case number	19-10663
3.6	Secured tax claims.		
Name o	of taxing authority Total amount of claim Type of	f tax	Identifying number(s) if Tax periods collateral is real estate
-NONE	<u> </u>		
Insert ad	dditional claims as needed.		
	ecured tax claims of the Internal Revenue Service, Comm ttory rate in effect as of the date of confirmation.	onwealth of Pennsylvania and any ot	her tax claimants shall bear interest at
Part 4:	Treatment of Fees and Priority Claims		
4.1	General		
	Trustee's fees and all allowed priority claims, including in full without postpetition interest.	g Domestic Support Obligations other	than those treated in Section 4.5, will be paid
4.2	Trustee's fees		
	Trustee's fees are governed by statute and may change and publish the prevailing rate on the court's website. I change in the percentage fees to insure that the plan is	t is incumbent upon the debtor(s)' att	
4.3	Attorney's fees.		
	Attorney's fees are payable to Daniel P Foster . In adreimburse costs advanced and/or a no-look costs depos at the rate of \$100.00 per month. Including any retained approved by the court to date, based on a combination compensation above the no-look fee. An additional \$ any additional amount will be paid through the plan, are diminishing the amounts required to be paid under this	it) already paid by or on behalf of the prince prin	debtor, the amount of \$3,000.00 is to be paid the sand costs reimbursement has been and previously approved application(s) for application to be filed and approved before g to pay that additional amount, without
	Check here if a no-look fee in the amount provided the debtor(s) through participation in the court's Loss N compensation requested, above).		
4.4	Priority claims not treated elsewhere in Part 4.		
Insert ad	✓ None. If "None" is checked, the rest of Section diditional claims as needed	on 4.4 need not be completed or repro	duced.
4.5	Priority Domestic Support Obligations not assigned	or owed to a governmental unit.	
	If the debtor(s) is/are currently paying Domestic Suppodebtor(s) expressly agrees to continue paying and remains		
	Check here if this payment is for prepetition arreara	ges only.	
	of Creditor Description y the actual payee, e.g. PA SCDU)	Claim	Monthly payment or pro rata
None			
Insert ad	dditional claims as needed.		
4.6	Domestic Support Obligations assigned or owed to a	a governmental unit and paid less th	nan full amount.

Check one.

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None. If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

4.7 Priority unsecured tax claims paid in full.

Name of taxing authority	Total amount of claim	Type of Tax	Interest rate Tax (0% If blank)	x Periods
-NONE-				

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Debtor(s) ESTIMATE(S) that a total of \$4000 will be available for distribution to nonpriority unsecured creditors.

Debtor(s) ACKNOWLEDGE(S) that a MINIMUM of \$0.00 shall be paid to nonpriority unsecured creditors to comply with the liquidation alternative test for confirmation set forth in 11 U.S.C. § 1325(a)(4).

The total pool of funds estimated above is *NOT* the *MAXIMUM* amount payable to this class of creditors. Instead, the actual pool of funds available for payment to these creditors under the plan base will be determined only after audit of the plan at time of completion. The estimated percentage of payment to general unsecured creditors is <u>1</u>%. The percentage of payment may change, based upon the total amount of allowed claims. Late-filed claims will not be paid unless all timely filed claims have been paid in full. Thereafter, all late-filed claims will be paid pro-rata unless an objection has been filed within thirty (30) days of filing the claim. Creditors not specifically identified elsewhere in this plan are included in this class.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Postpetition utility monthly payments.

The provisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan. Should the utility obtain an order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.

Name of Creditor	Monthly payment	Postpetition account number
-NONE-		

Insert additional claims as needed.

5.4 Other separately classified nonpriority unsecured claims.

Check one.

None. If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

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Chapter 13 Plan

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Debtor Jacob Daniel Boston Case number 19-10663
Nichole Marie Boston

None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate shall not re-vest in the debtor(s) until the debtor(s) have completed all payments under the confirmed plan.

Part 8: General Principles Applicable to All Chapter 13 Plans

- 8.1 This is the voluntary chapter 13 reorganization plan of the debtor(s). The debtor(s) understand and agree(s) that the chapter 13 plan may be extended as necessary by the trustee (up to any period permitted by applicable law) to insure that the goals of the plan have been achieved. Notwithstanding any statement by the trustee's office concerning amounts needed to fund a plan, the adequacy of plan funding in order to meet the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan in order to ensure that the plan remains adequately funded during its entire term.
- 8.2 Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.
- 8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.
- **8.4** Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.
- 8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

Level One: Unpaid filing fees.

Level Two: Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection

payments.

Level Three: Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and

postpetition utility claims.

Level Four: Priority Domestic Support Obligations.

Level Five: Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.

Level Six: All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.

Level Seven: Allowed nonpriority unsecured claims.

Level Eight: Untimely filed nonpriority unsecured claims for which an objection has not been filed.

- As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if pro se) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final plan payment.
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- **8.8** Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and

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	be released. The creditor shall promptly cause all mortgages, discharged, and released.	liens, and security interests encumb	pering the collateral to be satisfied,
8.10	The provisions of Sections 8.8 and 8.9 will also apply to allo bar date. <i>LATE-FILED CLAIMS NOT PROPERLY SERV. DEBTOR(S) (IF PRO SE) WILL NOT BE PAID.</i> The respupon the debtor(s).	ED ON THE TRUSTEE AND THI	E DEBTOR(S)' ATTORNEY OR
Part 9:	Nonstandard Plan Provisions		
9.1	Check "None" or List Nonstandard Plan Provisions None. If "None" is checked, the rest of Part 9 need	not be completed or reproduced.	
Part 10:	Signatures:		
10.1	Signatures of Debtor(s) and Debtor(s)' Attorney		
	btor(s) do not have an attorney, the debtor(s) must sign below;), if any, must sign below.	otherwise the debtor(s)' signatures	are optional. The attorney for the
plan(s),c treatmen	ng this plan the undersigned, as debtor(s)' attorney or the debtorder(s) confirming prior plan(s), proofs of claim filed with the it of any creditor claims, and except as modified herein, this preals certifications shall subject the signatories to sanctions under the signatories of the signatories	court by creditors, and any orders of oposed plan conforms to and is cons	of court affecting the amount(s) or
13 plan	this document, debtor(s)' attorney or the debtor(s) (if pro se are identical to those contained in the standard chapter 13 pl District of Pennsylvania, other than any nonstandard provis	an form adopted for use by the Uni	ited States Bankruptcy Court for the

the standard plan form shall not become operative unless it is specifically identified as "nonstandard" terms and are approved by the court in a

X /s/ Jacob Daniel Boston
Jacob Daniel Boston
Signature of Debtor 1

Executed on July 24, 2019

X /s/ Nichole Marie Boston
Nichole Marie Boston
Signature of Debtor 2

Executed on July 24, 2019

Date July 24, 2019

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separate order.

Chapter 13 Plan

Signature of debtor(s)' attorney

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United States Bankruptcy Court
Western District of Pennsylvania

In re: Jacob Daniel Boston Nichole Marie Boston Debtors

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Case No. 19-10663-TPA Chapter 13

TOTALS: 1, * 0, ## 0

CERTIFICATE OF NOTICE

District/off: 0315-1 User: aala Page 1 of 2 Date Rcvd: Jul 26, 2019 Form ID: pdf900 Total Noticed: 31

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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Jul 28, 2019.
                 +Jacob Daniel Boston, Nichole Marie Boston, 14 Beckett Park, Warr
+Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
#+Allied Interstate, PO Box 361445, Columbus, OH 43236-1445
db/idb
                                                                                                   Warren, PA 16365-4606
15092531
15092532
15092533
                  +Aris,
                             PO Box 72078, Cleveland, OH 44192-0002
                  +Bank Of America, N.A.,
15079574
                                                 4909 Savarese Circle,
                                                                               Tampa, FL 33634-2413
                  +Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
+Cleveland Clinic, 9500 Euclid Avenue, Cleveland, OH 44195-0002
15079577
15092534
                  +Community Bank Na, 45-49 Court Street, Canton, NY 13617-1179
+Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610
+JPMorgan Chase Bank Card, Po Box 15298, Wilmington, DE 19850-5298
15079579
15079581
15079582
                  Mfgrs & Traders Trust, Po Box 7678, Buffalo, NY 14240
+Nfg#2 Federal Credit Union, Po Box 728, Warren, PA 16365-0728
+Receivables Outsourcing LLC, PO Box 62850, Baltimore, MD 21264-2850
15079585
15079586
                  +Receivables Outsourcing LLC, PO Box 62850, Baltimore, MD 21264-2850
+Warren General Hospital, 2 Crescent Park West, PO Box 68, Warren, PA 16365-0068
+Warren General Hospital Anesthesia, 2 Crescent Park West, Warren, PA 16365-2199
+Wells Fargo Dealer Services, Po Box 10709, Raleigh, NC 27605-0709
15092535
15092536
15092537
15079592
Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
                  +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 27 2019 02:41:53
cr
                    PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
                                                                                            BB & T,
15079575
                   E-mail/Text: bankruptcy@bbandt.com Jul 27 2019 02:44:26
                                                                                                        Credit Card Disputes.
                    PO Box 1847, Wilson, NC 27894
                   E-mail/Text: bankruptcy@bbandt.com Jul 27 2019 02:44:27
15083702
                                                                                            BB&T Bankruptcy, P.O. Box 1847,
                     Wilson, NC 27894
15079576
                  +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 27 2019 02:43:02
                     Capital One / Maurices, Po Box 30258, Salt Lake City, UT 84130-0258
                   +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 27 2019 02:44:32
15079578
                                                                                                       Comenity Bank / Kays,
                     3100 Easton Square Plaza, Columbus, OH 43219-6232
                   E-mail/Text: mrdiscen@discover.com Jul 27 2019 02:44:19
15079580
                                                                                             Discover Financial Services LLC,
                    Po Box 15316, Wilmington, DE 19850
                   E-mail/Text: mrdiscen@discover.com Jul 27 2019 02:44:19
15084681
                                                                                             Discover Bank,
                  Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
+E-mail/Text: BKRMailOPS@weltman.com Jul 27 2019 02:44:28 Kay Je
                                                                                              Kay Jewelers, 375 Ghent Road,
15079583
                    Fairlawn, OH 44333-4600
15079584
                  +E-mail/Text: bk@lendingclub.com Jul 27 2019 02:45:07
                                                                                         Lending Club Corporation,
                     71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
                  +E-mail/Text: bankruptcyteam@quickenloans.com Jul 27 2019 02:45:04
15079587
                                                                                                          Ouicken Loans.
                     1050 Woodward Avenue, Detroit, MI 48226-1906
15079588
                  +E-mail/PDF: gecsedi@recoverycorp.com Jul 27 2019 02:42:23
                                                                                                Syncb / Lowes, Po Box 965005,
                    Orlando, FL 32896-5005
                  +E-mail/PDF: gecsedi@recoverycorp.com Jul 27 2019 02:42:23
15079589
                                                                                                Syncb / Network, Po Box 965036,
                    Orlando, FL 32896-5036
                  +E-mail/PDF: gecsedi@recoverycorp.com Jul 27 2019 02:42:23
15079590
                                                                                                Syncb / Old Navy DC,
                    Po Box 965005, Orlando, FL 32896-5005
                  +E-mail/PDF: gecsedi@recoverycorp.com Jul 27 2019 02:41:52
15079591
                                                                                                Syncb / Walmart, Po Box 965024,
                    Orlando, FL 32896-5024
                  +E-mail/PDF: gecsedi@recoverycorp.com Jul 27 2019 02:42:23
15080406
                                                                                                Synchrony Bank,
                     c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
                                                                                                                 TOTAL: 15
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***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
Quicken Loans Inc.

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 28, 2019 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 24, 2019 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Nichole Marie Boston dan@mrdebtbuster.com, clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Jacob Daniel Boston dan@mrdebtbuster.com, clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmllawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapterl3trusteewdpa.com

TOTAL: 5